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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,567

07/18/2006

Chris Harrington

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EXAMINER

VO, HAI

ART UNIT

PAPER NUMBER

1794

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,567	<b>Applicant(s)</b> HARRINGTON ET AL.	
	<b>Examiner</b> Hai Vo	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 19-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/16/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Election/Restrictions***

1. Applicant's election of Group II, claims 7-18 in the reply filed on 12/17/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Information Disclosure Statement***

2. The information disclosure statement filed 08/16/2006 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 7-18 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. When the resin component is used with the porous body, the resin component in direct contact with the porous body is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The recitation "and/or" right after the phrase "dry surfaces that are not in direct contact with said resin component" at least indicates that the resin component could be independent from porous body. This does not seem within the scope of the present invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As the resin composition is generally related to resin components, it is confusing and unclear that how an uncured *resin composition* could comprise a porous body. The preamble seems to be in conflict with the description of the body of the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Creighton et al (US 4,004,061). Creighton teaches a film adhesive comprising an adhesive composition applied to a permeable carrier that includes a textile sheet of nylons and polyesters (column 4, lines 30-40). The adhesive composition comprises a first liquid resin composition and a second particulate thermosetting resin composition which is dispersed within the first liquid resin composition (column 4, lines 41-55). The first liquid resin composition is epoxy resins, phenolic resins and polyisocyanate perpolymers (column 4, lines 5-30). The phenolic resin is prepared from a reaction of an aldehyde with cresol or resorcinol phenol. The aldehyde reads on the claimed gelling agent. Alternatively, the polyisocyanate perpolymer is prepared from a reaction of diisocyanate with poly(oxyalkylene) polyols or hydroxyl-terminated polyester. Diisocyanate reads on the claimed gelling agent. The second particulate thermosetting resin composition has a particle size within the range disclosed in the specification of the present invention (column 3, lines 25-26). Creighton discloses the first liquid resin composition applied to both sides of the carrier (column 4, lines 40-65). The

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solvent is allowed to evaporate leaving a tacky deposit of uncured thermosettable resin composition. The thermosetting resin particles are sprinkled over the entire surface of the tacky adhesive composition. The second particulate thermosetting resin composition includes a curative component which blends with the resin particles on fusion (column 3, lines 15-20). This at least indicates that the curative component is separated from the first liquid resin composition during storage of the uncured resin composition at the room temperature. The solid particulate resin composition is applied to the uncured resin composition by sprinkling, dipping (column 4, lines 50-52). This suggests that the resin particles would be penetrated in the interior of the textile carrier. Creighton further discloses that the film adhesive is stored at room temperature. When required for use, the film adhesive is cut to size and placed between the two surfaces to be joined. The film adhesive is then heated to its curing temperature until the solid thermosetting resin particles are converted into the fully cured C-stage. It appears that Creighton uses the same materials for forming the uncured resin composition as Applicants, therefore, it is not seen that the viscosity behavior of the resin composition would not be inherently present as like material has like property. This is in line with *In re Spada*, 15 USPQ 2d 1655 (1990) which holds that products of identical chemical composition can not have mutually exclusive properties. Accordingly, Creighton anticipates or strongly suggests the claimed subject matter.

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10. Claims 10-12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creighton et al (US 4,004,061) as applied to claim 7 above, and further in view of JP 57-167373. Creighton does not specifically disclose the adhesive film comprising a textile carrier in the form of a fiber bundle. JP'373, however, discloses an adhesive tape comprising a glass fiber bundle impregnated with a thermosetting resin composition. Therefore, Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the textile for a fiber bundle because such is an intended use of the material and JP'373 provides necessary details to practice the invention of Creighton. Selection of these known equivalents to be used as the substrate of the adhesive tape would be within the level of ordinary skill in the art.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on Monday through Thursday, from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hai Vo/  
Primary Examiner, Art Unit 1794